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| 09/271,247 | 03/17/1999 | MAKOTO SATOH | 35.C13405 | 3843 |

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EXAMINER

MISLEH, JUSTIN P

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
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2612

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/271,247

Applicant(s)

SATO, MAKOTO

Examiner

Justin P. Misleh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 48 is/are pending in the application.
- 4a) Of the above claim(s) 1 - 24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25 - 48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 27 June 2005 has been entered.

Response to Arguments

2. Applicant's arguments with respect to **Claims 25 – 48** have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 25 – 27, 30, 33 – 38, 41, and 44 – 46** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. (US 6 515 697 B1) in view of Satoh et al. (US 6 111 662) in further view of Novik (US 5 432 871).

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5. For **Claim 25**, Yamada et al. disclose, as shown in 4, 5, 8, and 9 and as stated in columns 3 (lines 42 – 58), 4 (lines 28 – 51), 5 (lines 21 – 32 and 49 – 62), 6 (lines 21 – 25 and 41 – 67), 7 (lines 1 – 19), 8 (lines 57 – 67), 9 (lines 1 – 6), 10 (lines 1 – 44), 11 (lines 43 – 67), and 12 (lines 1 – 16), an image transmission apparatus (Digital Camera – see figure 1) comprising:

transfer means (bus B – see figure 4) for transferring to an external apparatus (Memory Card MC – see figure 4) data amount information indicating an amount of target image data to an external apparatus (“n” image data corresponds to the total amount of images, or rather image data amount, already stored in the Main Memory MM of the Digital Camera – see column 6, line 61 – column 7, line 19. When in the copy mode, the Digital Camera transfers the “n” image data to an Auxiliary Memory MC; hence, the “n” image data corresponds to the target image data – see column 10, lines 1 – 24);

reception means (MPU2 – see figure 4) for receiving from said external apparatus (Auxiliary Memory MC) a response signal indicating whether or not said external apparatus (Auxiliary Memory MC) admits of the transmission of said image data in accordance with said information of data amount and the free storage capacity of storage means to store said image data in said external apparatus (Prior to image transfer, the MPU2 communicates with the Main Memory MM and the Auxiliary Memory AC to determine whether or not the Auxiliary Memory AC is attached, the amount of target image data already stored in the Main Memory MM; the free space remaining in the Auxiliary Memory – see figures 8 and 9 and column 6, line 61 – column 7, line 19 and column 10, lines 1 – 24. When there is insufficient free space remains in the Auxiliary

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Memory AC for the target image data, a response is sent to the MPU2 to not transfer the remaining target image data and copy the remaining target image data into an internal predetermined registers; hence, a response signal – see column 11, lines 49 – 60, and column 12, lines 27 – 33 and 54 – 58); and

control means (MPU1 and MPU2 – see figure 4) for controlling the transmission of said image data in accordance with the response signal received by said reception means (MPU2 – see figure 4) to indicate whether or not the transmission of said image data is admitted.

However, Claim 25 differs from Yamada et al. in that the claim further requires the transfer means transfers information of priority order of target image data, and the reception means receives the response signal based on information of priority order of the target image data.

On the other hand, Satoh et al. also teach an electronic imaging apparatus including a transfer means. More specifically, Satoh et al. also teach, as shown in figures 1, 2, 7, 8, and 9, an electronic imaging apparatus (camera 30A – figures 1 and 2) including transfer means (modem 40A) for transferring target image data to an external apparatus (camera 30B – see figures 1, 2, and 9) and including reception means (modem 40B) for receiving from said external apparatus (camera 30B) a response signal indicating whether or not said external apparatus (camera 30B) accepts the transfer of the target image data (see figures 15 – 22 and column 9, line 65 – column 10 line 62 and column 12, line 32 – column 13, line 52). Furthermore, Satoh et al. teach that the transfer means transfers information of priority order of the image data, and the reception means receives the information of priority order of the image data (see figures 27 – 28 and 33

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and column 18, line 47 – column 20, line 32). The Examiner notes that “information of priority order” is written broadly enough such that it corresponds to, as taught by Satoh et al., labeling images in the order they were captured and transferring the images in the same order they were captured.

In light of the teaching in Satoh et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the digital camera taught in Yamada et al. by transferring and receiving the information of priority order of the image data for the advantage of informing the user of the specific image data which have been transferred and received.

While Yamada et al. in view of Satoh et al. teach in combination an automatically generated response signal, by the external apparatus, indicating whether or not the external apparatus with accept transmission of the image data in accordance with the data amount information, the information of priority order, and a free storage capacity of storage means to store target image data in the external apparatus, Yamada et al. in view of Satoh et al. do not teach that the response signal is generated by a user at the external apparatus.

On the hand, Novik also teach an electronic imaging apparatus including a transfer means. More specifically, Novik et al. also teach, as shown in figures 1 and 2, an electronic imaging apparatus (102 – figure 1) including transfer means (transmitter 114) for transferring target image data to an external apparatus (104 – see figure 1) and including reception means (receiver 118 – see figure 1) for receiving from said external apparatus (104 – see figure 1) a response signal (108 – see figure 1) indicating whether or not said external apparatus (104 – see figure 1) accepts the transfer of the target image

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data (see figure 2 and column 4, line 43 – column 5, line 29 and columns 7, lines 18 – 46, and 8, lines 34 – 57). Furthermore, Novik teach, as stated in columns 5 (lines 6 – 16) and 10 (lines 9 – 23), a response signal (108 – see figure 1) that is generated by a user (user input 124 – see figure 1) at the external apparatus (104 – see figure 1).

As stated in column 11 (lines 12 – 16) of Novik, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the image transmitting apparatus, taught in combination by Yamada et al. in view of Satoh et al., by including a response signal that is generated by a user, as taught by Novik, for the advantage of “minimizing the amount of image transmitted over an image data channel by facilitating interactive control, thereby taking advantage of the expertise of the end user of the image data.”

6. As for **Claim 26**, Yamada et al. disclose that the response signal to indicate whether or not the transmission of said image data is admitted is generated by the manual operation of said external apparatus (Yamada teaches that upon detection of the insertion of the auxiliary memory MC, the control means causes the image data in the main memory (MM) to be transferred and copied to the auxiliary memory MC according to designation of a copy mode; col. 1 lines 50-64, col. 7 lines 26-32, 36-39).

7. As for **Claim 27**, Yamada et al. disclose that said image transmission apparatus is a digital camera (see Fig. 4, col. 1 lines 12+).

8. As for **Claim 30**, Yamada et al. disclose the image corresponding to said image data is the image corresponding to a plurality of files, and said response signal to indicated whether or not the transfer of said image data is admitted permits the transfer of a part of plural files, but not any transfer of the files other than the part of the file

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permitted for transfer (col. 6 line 41 - col. 7 line 32; col. 8 line 13 - col. 9 line 40; col. 10 line 1 - col. 11 line 42).

9. As for **Claim 33**, Yamada et al. disclose that the digital camera is capable of photographing during the transmission of said image data (col. 7 lines 60-64; col. 9 lines 58-67; col. 12 lines 20-58).

10. As for **Claim 34**, Yamada et al. disclose means for designating the suspension of the communication (col. 2 lines 4-12; col. 12 line 20 - col. 13 line 30; col. 14 lines 17-26).

11. As for **Claim 35**, Yamada et al. disclose the image corresponding to said image data is the image corresponding to a plurality of files, and said reception means receives from said external apparatus the information indicating the files to be received by said external apparatus, and the information indicating the address of the external apparatus other than said external apparatus, the files to be received by the external apparatus other than said external apparatus (col. 2 lines 4-12; col. 6 line 41 - col. 7 line 32; col. 8 line 13 - col. 9 line 40; col. 10 line 1 - col. 11 line 42; col. 12 line 20 - col. 13 line 30).

12. For **Claim 36**, Yamada et al. disclose, as shown in 4, 5, 8, and 9 and as stated in columns 3 (lines 42 - 58), 4 (lines 28 - 51), 5 (lines 21 - 32 and 49 - 62), 6 (lines 21 - 25 and 41 - 67), 7 (lines 1 - 19), 8 (lines 57 - 67), 9 (lines 1 - 6), 10 (lines 1 - 44), 11 (lines 43 - 67), and 12 (lines 1 - 16), an image reception apparatus (Digital Camera - see figure 1) comprising:

reception means (bus B - see figure 4) for receiving from an external apparatus (Memory Card MC - see figure 4) a transfer including data amount information indicating an amount of target image data to be received from the external apparatus ("n"

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image data corresponds to the total amount of images, or rather image data amount, already stored in the Main Memory MM of the Digital Camera – see column 6, line 61 – column 7, line 19. When in the copy mode, the Digital Camera transfers the “n” image data to an Auxiliary Memory MC; hence, the “n” image data corresponds to the target image data – see column 10, lines 1 – 24);

detection means (MPU2) for detecting the free storage capacity of storage means (Main Memory MM) for storing target image data (“n” image data);

output means (MPU2 – see figure 4) for outputting on a screen indicating acceptance to receive the target image data in accordance with said information of data amount and the free storage capacity of storage means to store said image data in said external apparatus (When there is insufficient free space remains in the Auxiliary Memory AC for the target image data, a response is sent to the MPU2 to not transfer the remaining target image data and copy the remaining target image data into an internal predetermined registers; hence, a response signal – see column 11, lines 49 – 60, and column 12, lines 27 – 33 and 54 – 58); and

image reception means (MPU1 and MPU2 – see figure 4) for transmitting to the external apparatus the (Auxiliary Memory MC) the signal indicating whether or not said external apparatus (Auxiliary Memory MC) is permitted to transmit the target image data and for receiving the target image data transmitted by the external apparatus in response to the signal transmitted (Prior to image transfer, the MPU2 communicates with the Main Memory MM and the Auxiliary Memory AC to determine whether or not the Auxiliary Memory AC is attached, the amount of target image data already stored in the Main Memory MM; the free space remaining in the Auxiliary Memory – see figures 8 and 9

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and column 6, line 61 – column 7, line 19 and column 10, lines 1 – 24. When there is insufficient free space remains in the Auxiliary Memory AC for the target image data, a response is sent to the MPU2 to not transfer the remaining target image data and copy the remaining target image data into an internal predetermined registers; hence, a response signal – see column 11, lines 49 – 60, and column 12, lines 27 – 33 and 54 – 58); for controlling the transmission of said image data in accordance with the response signal received by said reception means (MPU2 – see figure 4) to indicate whether or not the transmission of said image data is admitted.

The Examiner notes that Claim 36 is written broadly enough such that it allows for the digital camera of Yamada et al. to function as an image transmitting apparatus and an image reception apparatus, wherein the external apparatus is the detachable memory card. Furthermore, Yamada et al. notes throughout that the external apparatus may also be a personal computer.

However, Claim 36 differs from Yamada et al. in that the claim further requires the transfer means transfers information of priority order of target image data, and the reception means receives the response signal based on information of priority order of the target image data.

On the other hand, Satoh et al. also teach an electronic imaging apparatus including a transfer means. More specifically, Satoh et al. also teach, as shown in figures 1, 2, 7, 8, and 9, an electronic imaging apparatus (camera 30A – figures 1 and 2) including transfer means (modem 40A) for transferring target image data to an external apparatus (camera 30B – see figures 1, 2, and 9) and including reception means (modem 40B) for receiving from said external apparatus (camera 30B) a response signal

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indicating whether or not said external apparatus (camera 30B) accepts the transfer of the target image data (see figures 15 – 22 and column 9, line 65 – column 10 line 62 and column 12, line 32 – column 13, line 52). Furthermore, Satoh et al. teach that the transfer means transfers information of priority order of the image data, and the reception means receives the information of priority order of the image data (see figures 27 – 28 and 33 and column 18, line 47 – column 20, line 32). The Examiner notes that “information of priority order” is written broadly enough such that it corresponds to, as taught by Satoh et al., labeling images in the order they were captured and transferring the images in the same order they were captured.

In light of the teaching in Satoh et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the digital camera taught in Yamada et al. by transferring and receiving the information of priority order of the image data for the advantage of informing the user of the specific image data which have been transferred and received.

While Yamada et al. in view of Satoh et al. teach in combination an automatically generated response signal, by the external apparatus, indicating whether or not the external apparatus with accept transmission of the image data in accordance with the data amount information, the information of priority order, and a free storage capacity of storage means to store target image data in the external apparatus, Yamada et al. in view of Satoh et al. do not teach that the response signal is generated by a user at the external apparatus.

On the hand, Novik also teach an electronic imaging apparatus including a transfer means. More specifically, Novik et al. also teach, as shown in figures 1 and 2, an

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electronic imaging apparatus (102 – figure 1) including transfer means (transmitter 114) for transferring target image data to an external apparatus (104 – see figure 1) and including reception means (receiver 118 – see figure 1) for receiving from said external apparatus (104 – see figure 1) a response signal (108 – see figure 1) indicating whether or not said external apparatus (104 – see figure 1) accepts the transfer of the target image data (see figure 2 and column 4, line 43 – column 5, line 29 and columns 7, lines 18 – 46, and 8, lines 34 – 57). Furthermore, Novik teach, as stated in columns 5 (lines 6 – 16) and 10 (lines 9 – 23), a response signal (108 – see figure 1) that is generated by a user (user input 124 – see figure 1) at the external apparatus (104 – see figure 1).

As stated in column 11 (lines 12 – 16) of Novik, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the image transmitting apparatus, taught in combination by Yamada et al. in view of Satoh et al., by including a response signal that is generated by a user, as taught by Novik, for the advantage of “minimizing the amount of image transmitted over an image data channel by facilitating interactive control, thereby taking advantage of the expertise of the end user of the image data.”

13. As for **Claim 37**, Yamada et al. disclose that the signal to indicate whether or not the transmission of said image data is admitted is generated by the manual operation of said output means (Yamada teaches that upon detection of the insertion of the auxiliary memory MC, the control means causes the image data in the main memory (MM) to be transferred and copied to the auxiliary memory MC according to designation of a copy mode; col. 1 lines 50-64, col. 7 lines 26-32, 36-39).

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14. As for **Claim 38**, Yamada et al. disclose that said image transmission apparatus is a digital camera (see Fig. 4, col. 1 lines 12+).

15. As for **Claim 41**, Yamada et al. disclose the image corresponding to said image data is the image corresponding to a plurality of files, and said signal to indicated whether or not the transfer of said image data is admitted permits the transfer of a part of plural files, but not any transfer of the files other than the part of the file permitted for transfer (col. 6 line 41 - col. 7 line 32; col. 8 line 13 - col. 9 line 40; col. 10 line 1 - col. 11 line 42).

16. As for **Claim 44**, Yamada et al. disclose that the digital camera is capable of photographing during the transmission of said image data (col. 7 lines 60-64; col. 9 lines 58-67; col. 12 lines 20-58).

17. As for **Claim 45**, Yamada et al. disclose means for designating the suspension of the communication (col. 2 lines 4-12; col. 12 line 20 - col. 13 line 30; col. 14 lines 17-26).

18. As for **Claim 46**, Yamada et al. disclose the image corresponding to said image data is the image corresponding to a plurality of files, and said reception means receives from said external apparatus the information indicating the files to be received by said external apparatus, and the information indicating the address of the external apparatus other than said external apparatus, the files to be received by the external apparatus other than said external apparatus (col. 2 lines 4-12; col. 6 line 41 - col. 7 line 32; col. 8 line 13 - col. 9 line 40; col. 10 line 1 - col. 11 line 42; col. 12 line 20 - col. 13 line 30).

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19. **Claims 28 and 39** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. in view of Satoh et al. in view of Novik in further view of Oie (US 6 188 431).

20. As for **Claims 28 and 39**, the claims differ from Yamada et al. in view of Satoh et al., in that they further require that said transfer means and said reception means perform transfer and transmission by use of cordless line. However, it is well known in the art to transfer image data of a digital camera using cable or cordless line, as taught in Oie (see col. 2 lines 25-27, col. 7 lines 34+).

In light of the teaching from Oie, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the image transmission apparatus taught in Yamada et al. in view of Satoh et al. the capabilities of transmitting image data by use of cordless line so as to allow the user freedom to conveniently capture and transmit image data without using a cable.

21. **Claims 29, 31, 32, 40, 42, and 43** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. in view of Satoh et al. in view of Novik in further view of Murphy et al. (US 6 282 362).

22. As for **Claims 29, 31, 32, 40, 42, and 43**, the claim differs from Yamada et al. in view of Satoh et al., in that it further requires said transfer means performs transfer by adding the thumbnail images having a file name corresponding to said image data, wherein said file name indicated the positional information when said image data is photographed, and said transfer means transfers the audio corresponding to said image.

The limitations are well known in the art as shown in Murphy et al.

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In the same field of endeavor, figure 2 of Murphy et al. teaches a digital camera system 300 comprising a camera body (310), a recording unit (370) and a playback unit (380). Murphy et al. further teach that the thumbnail image having file names indicated the positional information of the photographed image data can be displayed on the camera viewer (340; see Fig. 1, playback unit 104 comprises index image 184 and index icon generator 190). Murphy et al. further teaches that audio streams can be digitally stored and play backed via the audio pickup device (172) and an audio transducer (202; see Fig. 1).

In light of the teaching from Murphy et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the image transmission apparatus taught in Yamada et al. in view of Satoh et al. the capabilities of adding the thumbnail images having audio data and file name indicating the positional information of the photographed image so as to provide image data storage in digital format with hype-links between the image and the image location at the time of data capture.

23. **Claims 47 and 48** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. in view of Satoh et al. in view of Novik in further view of Fukuoka (US 6 300 976).

24. As for **Claims 47 and 48**, the claims differ from Yamada et al. in view of Satoh et al. in that it further requires the response signal includes information, which designates a terminal station other than said external apparatus as a transmission destination of the image data to be transmitted. The limitation is well known in the art as shown in Fukuoka.

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In the same field of endeavor, Fukuoka teaches a digital image capturing device comprising an I/O card (15) which can store digital images, audio information and codes allowing a plurality of cameras and controllers to be connected through a network (col. 2 line 60 - col. 3 line 49; col. 4 lines 3-34; col. 6 line 55 - col. 7 line 15; col. 10 lines 31+).

In light of the teaching from Fukuoka, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the digital camera taught in Yamada et al. in view of Satoh et al. by including in the response signal information designating a terminal station as a transmission destination allowing digital images to be efficiently transferred to a plurality of cameras and controllers through a network.

Cited Prior Art

25. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure at least for the reason that each teaches of corresponding image transferring apparatuses and image reception apparatuses, wherein there is a connection negotiation between the apparatuses prior to image transfer.

Conclusion

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P Misleh whose telephone number is 571.272.7313. The Examiner can normally be reached on Monday through Friday from 8:00 AM to 5:00 PM.

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If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, ^{Thai Tran} ~~Wendy R. Garber~~ can be reached on 571.272.7382 ⁷³⁸² ~~7308~~. The fax phone number for the organization where this application or proceeding is assigned is 571.273.3000.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JPM
July 25, 2005


THAI TRAN
PRIMARY EXAMINER